IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 31865 of 2006(R)

PETITIONER:

JOSHY P.J., AGED 38 YEARS,
S/O. P.K.JOSEPH, NOW WORKING AS FULL TIME MENIAL,
CARDINAL HIGHER SECONDARY SCHOOL, THRIKKAKARA.

BY ADV. SRI.PAULSON THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. DISTRICT EDUCATIONAL OFFICER,
ALUVA.

3. CORPORATE MANAGER,
ST.AUGUSTINE'S EDUCATIONAL AGENCY,
ARCH DIOCESE OF ERNAKULAM - ANGAMALY,
BHARATH MATHA COLLEGE CAMPUS, THRIKKAKARA P.O.,
KOCHI-21.

4. LIJO ANTONY,
L.G. HINDI TEACHER (NEWLY APPOINTED),
ST.MARY'S HIGH SCHOOL, ALUVA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.31865 OF 2006

Dated this the 1st day of December, 2006

JUDGMENT

This writ petition is filed seeking a direction to the Manager of an educational institution to comply with Ext.P5 order of the District Educational Officer, wherein, approval of appointment of another person was rejected. It is stated that following Ext.P5, the petitioner is entitled to be appointed. If that is the direction contained in Ext.P5 and this Court is to issue a writ to the Manager to comply with Ext.P5, in my considered view, this Court will be converting itself to a court to execute an order of the DEO. I am not inclined to exercise the writ jurisdiction for such purpose, particularly when the petitioner can move the DEO complaining about the non compliance of Ext.P5 and because the DEO has sufficient power within the scheme of Kerala Education Rules and the Kerala Education Act to ensure obedience by a Manager of a lawful direction issued by a DEO. If the petitioner makes such a request, the DEO should

be bound in law to act on such representation. Without prejudice to such right of the petitioner, this writ petition is dismissed without entering on merits.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.